

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00081/2021**

**DATED THIS THE 27<sup>th</sup> DAY OF JANUARY, 2021**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

Kempaiah

S/o Mallaiah

Aged 59 years

Track maintainer grade III

SSE/P.Way/SSPN section

R/o 17/A, Railway Quarters

Sathya Sai Prasanthi Nilayam.

....Applicant

(By Advocate Shri K.Shivakumar - through video conference)

Vs.

1. Union of India  
Rep. by General Manager  
South Western Railway  
Rail Soudha  
Gadag Road  
Hubballi-580020.

2. Senior Divisional Personnel Officer  
South Western Railway  
Bengaluru-560023.

.....Respondents

**O R D E R (O R A L)****PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein a mandate to the respondents to consider his case under the LARSGESS Scheme.

2. Shri K.Shivakumar, learned counsel representing the applicant submitted that though the notification with regard to LARSGESS Scheme has been quashed by way of a judicial verdict, but still after issuance of RBE No.151/2018 dated 28.09.2018, a right survives in favour of the applicant. Learned counsel further submitted that before filing the present Original Application, the applicant had submitted a representation dated 16.04.2019 and requested the respondents to consider his case under the Scheme. The said representation is still pending as the respondents have failed to take any decision upto today.

3. Learned counsel further submitted that the applicant will be satisfied if a direction is issued to the General Manager, South Western Railway, Hubballi to decide his pending representation within a time frame.

4. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to the General Manager, South Western Railway, Hubballi to take a decision over the applicant's pending representation dated 16.04.2019 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of one(1) month from the date of receipt of a certified copy of this order.

6. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

/ps/